S.B. Criminal Misc. Bail Application No.2531/2006
S.B. Criminal Misc. Bail Application No.2670/2006

Date : 04.07.2006

HON'BLE MR.SATYA PRAKASH PATHAK, J.

Mr. J.R. Beniwal for the applicant- Rameshwarlal.
Mr. R.S. Gill for the applicant-Ram Pratap.
Mr. Vishnu Kachhawaha, Public Prosecutor.

By these applications under Section 439 Cr.P.C., the applicants have sought bail in FIR No.177/2006, Police Station Raisinghnagar, Sri Ganganagar for the offences under Sections 307, 447, 336, 365, 147, 148, 149, 323, 325, and 326 IPC.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

The contention of learned counsel Mr. J.R. Beniwal is that Rameshwarlal who is one of the accused in this case has not used fire arm which is said to be possessed by him. His contention is that no injury whatsoever has been assigned to the accused-applicant Rameshwarlal and no investigation is to be made from him, therefore, he may be enlarged on bail .

Learned counsel Mr. R.S. Gill submits that Rampratap son of Keshra Ram though was having pistol in his hand and it is alleged that he fired on injured Hari Ram and inflicted injuries on his person but surprisingly there is no fire arm injury on the person of injured, therefore, this part of allegation has not been established against him and now no investigation is required to be made from him.

On the other hand, learned Public Prosecutor has opposed the bail application and submits that the accused-applicants may not be enlarged on bail.

I have considered the submissions made before me and perused the case diary.

It is an admitted position that these two applicants though present but did not use their firm arms or caused injury to anybody, therefore, without expressing any opinion on the merit of the case, I think it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that the applicants Rameshwar

Lal son of Birbal Ram and Ram Pratap son of Keshra Ram shall be released on bail in FIR No.177/2006 P.S. Raisinghnagar, Sri Gangangar provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.